

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | ) |                      |
|                           | ) | Cr. No. 05-10227-PBS |
| v.                        | ) |                      |
|                           | ) |                      |
| 2. RAFAEL HUERTA,         | ) |                      |
| a/k/a "Angel Rivera,"     | ) |                      |
| a/k/a "Hector Colon,"     | ) |                      |
|                           | ) |                      |
| Defendant                 | ) |                      |

**GOVERNMENT'S MOTION REGARDING ENGLISH-LANGUAGE  
TRANSLATIONS OF RECORDED SPANISH WIRETAP CONVERSATIONS**

The United States of America, by its attorneys, United States Attorney Michael J. Sullivan, and Assistant U. S. Attorneys Rachel E. Hershsfang, and Neil J. Gallagher, Jr., respectfully moves for leave to introduce into evidence at trial (1) recordings made during the investigation of this case, which are completely, or almost completely, in Spanish or partially in Spanish; and (2) English translations of those conversations. The government further requests leave to read into evidence all or part of the English translations. As grounds for this motion, the government states as follows:

1. During the investigation that led to this case, the government made tape recordings of conversations that were intercepted pursuant to court-ordered wiretaps. The majority of the recorded conversations were, in whole or in large part, in Spanish. The defendants are native Spanish speakers.
2. The government has prepared English translations of

tape recordings that it anticipates using at trial.

These recordings contain conversations in which one or more defendants was a participant, or which constitute co-conspirator statements in furtherance of the charged conspiracy. The government has provided copies of these transcripts to the defense.

3. The government moves for leave to introduce into evidence at trial copies of the original Spanish recordings, as well as the English transcripts of those conversations, and to read into evidence all or part of the English transcripts. See United States v. Rengifo, 789 F.2d 975, 983 (1<sup>st</sup> Cir. 1986) (finding that English-language translations of tape-recorded conversations that originally took place in Spanish are admissible as substantive evidence; that such transcripts may go to the jury room; and that the government may use readers to read the English translations as an alternative to playing the tape recording).

WHEREFORE, the government respectfully requests that the Court grant:

1. Leave to introduce into evidence at trial copies of original recordings that are in part or in whole in Spanish, as well as the English translations of those conversations, and to read into evidence all or part of those English

translations.

Respectfully submitted,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By: /s/ Rachel E. Hershfang  
RACHEL E. HERSHFANG  
Assistant United States Attorney

October 18, 2006

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/s/ Rachel E. Hershfang  
Rachel E. Hershfang